



Agenda Date: 5/2/02
Agenda Item: 3B

STATE OF NEW JERSEY
Board of Public Utilities
Two Gateway Center
Newark, NJ 07102

CABLE TELEVISION

IN THE MATTER OF THE PETITION OF)
CABLEVISION OF MONMOUTH, INC. FOR)
RENEWAL OF A CERTIFICATE OF)
APPROVAL TO CONTINUE TO OPERATE)
AND MAINTAIN A CABLE TELEVISION)
SYSTEM IN THE TOWNSHIP OF MILLSTONE,)
COUNTY OF MONMOUTH, STATE OF NEW)
JERSEY)

RENEWAL
CERTIFICATE OF APPROVAL

DOCKET NO. CE01060403

Schenck, Price, Smith & King, Morristown, New Jersey, by James Eric Andrews, Esq., for the Petitioner.

Township Clerk, Township of Millstone, New Jersey, by Bonnie DeVitis, for the Township.

BY THE BOARD¹:

On January 5, 1990, the Board granted Monmouth Cablevision Associates ("MCA") a Certificate of Approval in Docket No. CE89070638 for the construction, operation and maintenance of a cable television system in the Township of Millstone ("Township"). On May 17, 1994, the Board approved the sale of MCA to Cablevision of Monmouth, Inc. ("Petitioner"), in Docket No. CM93120537. The Petitioner's Certificate expired on January 5, 2000, however, it is authorized to continue to provide cable television service to the Township pursuant to N.J.S.A. 48:5A-25.

The Petitioner filed an application for the renewal of its municipal consent with the Township on August 13, 1999, pursuant to N.J.S.A. 48:5A-23 and N.J.A.C. 14:18-13. The Township held a public hearing on the application and adopted a renewal municipal consent ordinance on April 18, 2001. The Petitioner formally accepted the terms and conditions of the ordinance on May 4, 2001, in accordance with N.J.S.A. 48:5A-24.

On June 29, 2001, pursuant to N.J.S.A. 48:5A-16, the Petitioner filed with the Board for a renewal of its Certificate of Approval for the Township. The Board has reviewed the application for municipal consent, the petition for a Renewal Certificate of Approval and the municipal

¹ Commissioner Carol J. Murphy did not participate in the deliberations or vote on this matter.

consent ordinance. Based upon this review and the recommendation of the Office of Cable Television, the Board HEREBY FINDS the following:

1. The Petitioner possesses the requisite legal, character, financial and technical qualifications for the awarding of a Certificate of Approval. Further, these qualifications were reviewed by the Township in conjunction with the municipal consent process. See N.J.S.A. 48:5A-22 to 29 and N.J.A.C. 14:18-13.
2. The design and technical specifications of the system shall ensure that the Petitioner provides safe, adequate and proper service.
3. The Petitioner has represented that all previously required construction within the franchise territory is complete.
4. The franchise period as stated in the ordinance is ten years. The Board finds the term to be of reasonable duration.
5. The Petitioner shall utilize the line extension policy ("LEP") attached to the Certificate (Appendix "I"). The minimum homes per mile ("HPM") figure is 25.
6. The Petitioner's rates shall be regulated and tariffs shall be filed for all services, in accordance with the rules and regulations of the Federal Communications Commission, the Board and the Office of Cable Television. The Petitioner shall maintain informational tariffs for unregulated service rates, and promptly file any revisions thereto.
7. Pursuant to N.J.S.A. 48:5A-26(a), the ordinance must specify a complaint officer. In this case, it is the Township Clerk. All complaints shall be received and processed in accordance with the ordinance.
8. The Petitioner shall maintain a local business office or agent for the purpose of receiving, investigating and resolving complaints. Currently, the local office serving this provision is located at 4340 Highway #9, in Freehold Township.
9. The franchise fee to be paid to the Township is specified to be 2% of the Petitioner's gross revenues from all recurring charges in the nature of subscription fees paid by subscribers for its cable television reception service in the Township. Additional regulatory fees shall be paid to the State in an amount not to exceed 2% of Petitioner's gross operating revenues derived from intrastate operations. The Board finds these fees to be reasonable.
10. The Petitioner committed to complete an upgrade of the system by December 31, 2002, capable of carrying 90 channels. The Office of Cable Television has confirmed the system was rebuilt to 750 MHz capacity, capable of carrying 90 channels.
11. The Petitioner shall provide public, educational, and governmental ("PEG") access services, technical support, training and facilities as described in the application and the municipal consent ordinance. The Petitioner shall provide the Township access to a studio and remote production equipment. The Petitioner shall provide one PEG access channel when the cable system is upgraded.

12. The Petitioner shall provide the Township with a grant of \$20,000.00 to be applied to the purchase of PEG access equipment such as cameras, editing and playback devices. The Petitioner shall provide training on the PEG access equipment, which shall be made available upon request by the Township.
13. The Petitioner shall provide, at no charge, the standard installation and monthly cable service to each municipal building in the Township, including: a) fire and first aid facilities and b) all public libraries.
14. The Petitioner shall provide, at no charge, the installation of one outlet and monthly cable service to all schools. If the school system participates in the "Cable in the Classroom" project, the Petitioner shall provide the installation of up to 10 outlets and monthly cable service to each of the Township's schools as part of the "Cable in the Classroom" Program.
15. The Petitioner shall provide one cable modem and Internet access to each school and library in the Township, at no charge, when such service becomes available in the Township. At such time as the Petitioner's policy permits it to provide free cable modems and/or Internet access to any other municipal buildings in the Township, the Petitioner shall provide the service to the Township's Municipal Building. The Township shall be permitted, at its own cost, to network up to three additional personal computer terminals.
16. The Petitioner has agreed to offer a senior citizens discount in the amount of 10% of the basic monthly service for persons meeting the eligibility requirements, pursuant to N.J.S.A. 30:4D-21 and N.J.A.C. 14:18-3.20.

Based upon these findings, the Board HEREBY CONCLUDES that, pursuant to N.J.S.A. 48:5A-17(a) and 28(c), the Petitioner has sufficient financial and technical capacity and meets the legal, character and other qualifications necessary to construct, maintain and operate the necessary installations, lines and equipment and is capable of providing the proposed service in a safe, adequate and proper manner.

Therefore, the Petitioner is HEREBY ISSUED this Renewal Certificate of Approval as evidence of Petitioner's authority to construct and operate a cable television system within the entirety of the Township.

This Certificate is subject to all applicable State and federal laws, the rules and regulations of the Office of Cable Television, and any such lawful terms, conditions and limitations as currently exist or may hereafter be attached to the exercise of the privileges granted herein.

The Petitioner shall adhere to the operating standards set forth by the Federal Communications Commission's rules and regulations, 47 C.F.R. Section 76.1 et seq. Any modifications to the provisions thereof shall be incorporated into this Certificate. Additionally and more specifically, the Petitioner shall adhere to the technical standards of 47 C.F.R. Part 76, Subpart K.

Failure to comply with all applicable laws, rules, regulations and orders of the Board or the Office of Cable Television and/or the terms, conditions and limitations set forth herein may constitute sufficient grounds for the suspension or revocation of this Certificate.

This Renewal Certificate is issued on the representation that the statements contained in the

Petitioner's applications are true, and the undertakings therein contained shall be adhered to and enforceable unless specific waiver is granted by the Office of Cable Television pursuant to the authority contained in N.J.S.A. 48:5A-1 et seq.

This Certificate shall expire January 5, 2010.

DATED: May 6, 2002

BOARD OF PUBLIC UTILITIES
BY:

(signed)

JEANNE M. FOX
PRESIDENT

(signed)

FREDERICK F. BUTLER
COMMISSIONER

(signed)

CONNIE O. HUGHES
COMMISSIONER

ATTEST:

(signed)

KRISTI IZZO
SECRETARY